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	INR-00	LAB-04	L-03	ADS-00	NEA-01	NSAE-00	OIC-02
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	SNP-00	SP-00	SR-00	SS-00	STR-16	TRSE-00	T-00
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 0218
INFO WHITEHOUSE WASHDC IMMEDIATE
JOINT STAFF WASHDC IMMEDIATE
SECDEF WASHDC IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY KIGALI IMMEDIATE
USCINCEUR VAIHINGEN GE
UN SECURITY COUNCIL COLLECTIVE
AMEMBASSY OTTAWA
AMEMBASSY NAIROBI
AMEMBASSY BUJUMBURA
AMEMBASSY BRUSSELS
AMEMBASSY DAR ES SALAAM
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AMEMBASSY ADDIS ABABA

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STATE FOR IO/UNP, IO/PHO, AF/C, AF/RA, AND L/UNA;
WHITEHOUSE PASS TO NSC FOR SUSAN RICE;
JOINT STAFF FOR CHAIRMAN, DIR JS, J3,
SECDEF FOR OSD/ISA

E.O.12356: DECL:OADR
TAGS: MOPS, MARR, PGOV, PREL, KDEM, AO, UNSC
SUBJECT: FINAL LANGUAGE ON RWANDA SC RESOLUTION

REF: A) WARD/WALKER TELCON 10/4, B) USUN 4824, C) USUN
4735

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: JOHN L MILLS
DATE/CASE ID: 01 NOV 2007 200103014

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1. CONFIDENTIAL - ENTIRE TEXT.
2. THIS IS AN ACTION CABLE. GUIDANCE IS REQUIRED BY NOON, OCTOBER 5. SEE PARA BELOW.
3. SUMMARY: THE SECURITY COUNCIL AGREED TO AN AMENDED TEXT OF A DRAFT RESOLUTION ON RWANDA, BASED ON U.S. CHANGES, PER REF A. A VOTE IS SCHEDULED FOR TUESDAY AFTERNOON, OCTOBER 5, PRIOR TO RWANDAN PRESIDENT HABYARIMANA'S ADDRESS TO THE GENERAL ASSEMBLY. TEXT OF CHANGES, AND THE POSITIONS OF OTHER MEMBERS IS SET FORTH BELOW. END SUMMARY.
4. PER REFTELCON, THE U.S. DELEGATION INSISTED ON REOPENING THE AGREED TEXT OF THE DRAFT RESOLUTION ON RWANDA (REF B). OTHER MEMBERS ARGUED VIGOROUSLY AGAINST SOME OF OUR PROPOSED AMENDMENTS, BUT WE BELIEVE DEPARTMENT'S OBJECTIVES HAVE BEEN MET IN ALL CASES.

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5. OPERATIVE PARAGRAPH 2 NOW READS: DECIDES TO ESTABLISH A PEACEKEEPING OPERATION NAMED THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA (UNAMIR) FOR A PERIOD OF SIX MONTHS SUBJECT TO THE PROVISION THAT IT WILL BE EXTENDED BEYOND THE INITIAL 90 DAYS ONLY UPON A REVIEW BY THE COUNCIL BASED ON A REPORT FROM THE SG AS TO WHETHER OR NOT SUBSTANTIVE PROGRESS HAS BEEN MADE TOWARDS THE IMPLEMENTATION OF THE ARUSHA PEACE AGREEMENT.
6. WE PROPOSED INSERTING AN EXPLICIT REFERENCE TO CHAPTER VI OF THE UN CHARTER, BUT WERE OPPOSED BY THE UK, FRANCE, PAKISTAN, CAPE VERDE, JAPAN, MOROCCO AND BRAZIL. THE UK POINTED OUT THAT THERE IS NO ARTICLE UNDER CHAPTER SIX WHICH AUTHORIZES THE ESTABLISHMENT OF A PEACEKEEPING OPERATION. TO AVOID A LEGAL CHALLENGE TO THE COUNCIL'S AUTHORITY TO MANDATE PKO'S, THE COUNCIL FOR THE PAST 40 YEARS HAS DELIBERATELY AVOIDED MENTIONING CHAPTER SIX EXPLICITLY. FRANCE REMINDED THE U.S. DELEGATION THAT WE HAD ALREADY BEEN THROUGH THIS POINT IN RELATION TO RESOLUTIONS ON HAITI AND LIBERIA, AND THAT LAWYERS HAD RESERVATIONS ABOUT MENTIONING CHAPTER SIX. JAPAN POINTED OUT THAT SINCE CHAPTER SEVEN WAS NOT MENTIONED, IT WAS ASSUMED THIS OPERATION FELL UNDER CHAPTER SIX. IF THE COUNCIL REFERRED SPECIFICALLY

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TO CHAPTER SIX IN THE CASE OF RWANDA, IT WOULD GIVE THE IMPRESSION THAT ALL THE OTHER PKO'S (WHICH HAD NO MENTION OF CHAPTER 6 IN THEIR MANDATES) MIGHT INVOLVE CHAPTER 7. PAKISTAN, CAPE VERDE, MOROCCO AND BRAZIL ALL AGREED THAT MENTION OF CHAPTER SIX WAS INAPPROPRIATE. A COMPROMISE WAS REACHED WHEREBY UNAMIR IS REFERED TO AS "A PEACEKEEPING OPERATION", REMOVING ANY DOUBT THAT IT

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MIGHT BE A PEACE ENFORCEMENT ACTION.

7. OPERATIVE PARA 3 NOW READS: "DECIDES THAT PURSUANT TO THE SECRETARY-GENERAL'S RECOMMENDATIONS, UNAMIR SHALL HAVE THE FOLLOWING MANDATE:"

8. WHILE AGREEING TO DELETE SPECIFIC REFERENCE TO PARAGRAPHS 21-26 AND 39-43 OF THE SYG'S REPORT, FRANCE INSISTED THAT SOME MORE GENERAL MENTION OF THE REPORT BE MADE. AFTER CONSIDERING SEVERAL POSSIBILITIES, SUCH AS "IN ACCORDANCE WITH, IN LIGHT OF, FOLLOWING, IN LINE WITH", ETC., THE COUNCIL DECIDED "PURSUANT TO THE SYG'S RECOMMENDATIONS" DID NOT TIE THE COUNCIL TO ENDORSING ALL PARTICULARS OF THE SYG'S REPORT.

9. OPERATIVE PARA 3(A) NOW READS: "TO CONTRIBUTE TO THE SECURITY OF THE CITY OF KIGALI, INTER ALIA WITHIN A WEAPONS SECURE AREA IN AND AROUND THE CITY;"

10. THE U.S. SUGGESTED DELETING REFERENCE TO A WEAPONS

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SUBJECT: FINAL LANGUAGE ON RWANDA SC RESOLUTION

SECURE AREA. THIS SUGGESTION WAS STRONGLY OPPOSED BY
 NEW ZEALAND, FRANCE, UK, AND CAPE VERDE, ALL OF WHOM
 NOTED THAT THE DELETION WOULD MAKE THE MANDATE LESS
 PRECISE, RATHER THAN MORE PRECISE. NEW ZEALAND, CAPE

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VERDE AND FRANCE ARGUED THAT THE WEAPONS SECURE AREA WAS AN IMPORTANT ELEMENT OF THE SYG'S PLAN, AND NEEDED TO BE INCLUDED IN THE RESOLUTION. ACKNOWLEDGING THE U.S. VIEW THAT UNAMIR SHOULD NOT HAVE THE RESPONSIBILITY OF ESTABLISHING THIS AREA, FRANCE SUGGESTED THAT THE RESOLUTION AT LEAST ALLOW THE PKO TO OPERATE "WITHIN" THE WEAPONS SECURE AREA, AS WELL AS WITHIN THE ACTUAL CITY ITSELF.

11. OPERATIVE PARA 3(B) NOW READS: "TO MONITOR OBSERVANCE OF THE CEASE-FIRE AGREEMENT, WHICH CALLS FOR ESTABLISHMENT OF CANTONMENT AND ASSEMBLY ZONES AND THE DEMARCATION OF THE NEW DEMILITARIZED ZONE AND OTHER DEMILITAIZATIONS PROCEDURES;"

12. OPERATIVE PARA 3(D) NOW READS: "TO ASSIST WITH MINE CLEARANCE, PRIMARILY THROUGH TRAINING PROGRAMMES;"

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13. THE U.S. ARGUED THAT ASSISTANCE IN MINE CLEARANCE SHOULD ONLY BE THROUGH TRAINING PROGRAMS. HOWEVER, FRANCE POINTED OUT THAT UNTAC ENGAGED IN MINE CLEARING OPERATIONS IN CAMBODIA, AND THAT UN TROOPS WOULD NEED TO CLEAR MINES BLOCKING THEIR OWN PATHS. BRAZIL NOTED THE UN MINECLEARERS MIGHT HAVE TO CLEAR SOME MINES THEMSELVES IN THE COURSE OF TEACHING THE LOCALS HOW IT WAS DONE.

14. OPERATIVE PARA 3(F) NOW READS: "TO MONITOR THE PROCESS OF REPATRIATION OF RWANDESE REFUGEES AND RESETTLEMENT OF DISPLACED PERSONS TO VERIFY THAT THEY ARE CARRIED OUT IN A SAFE AND ORDERLY MANNER;"

15. OPERATIVE PARA 3(G) NOW READS: "TO ASSIST IN THE COORDINATION OF HUMANITARIAN ASSISTANCE ACTIVITIES IN CONJUNCTION WITH RELIEF OEPRATIONS;"

16. OPERATIVE PARA 3(H) NOW READS: "TO REPORT ON AND INVESTIGATE INCIDENTS REGARDING THE ACTIVITIES OF THE GENDARMERIE AND POLICE;"

17. ALTHOUGH THE U.S. DELEGATION SUGGESTED CHANGING THE WORD "GENDARMERIE" TO "CONSTABULARY", THE FRENCH AND UK DELEGATIONS INSISTED TO DO SO WOULD BE INACCURATE. THE TERMS CONSTABULARY AND POLICE ARE SYNONYMS. THE GENDARMERIE IS A BRANCH OF THE MILITARY.

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18. OPERATIVE PARA 6 NOW READS: "FURTHER APPROVES THE SECRETARY-GENERAL'S PROPOSAL THAT THE DEPLOYMENT AND WITHDRAWAL OF UNAMIR SHOULD BE CARRIED OUT IN STAGES, AND NOTES THAT UNAMIR'S MANDATE, IF EXTENDED, IS
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EXPECTED TO TERMINATE FOLLOWING NATIONAL ELECTIONS AND THE INSTALLATION OF A NEW GOVERNMENT IN RWANDA, EVENTS WHICH ARE SCHEDULED TO OCCUR BY OCTOBER 1995, BUT NO LATER THAN DECEMBER 1995;"

19. SEVERAL DELEGATIONS WISHED TO RETAIN THE REFERENCE TO STAGED DEPLOYMENT AND WITHDRAWAL OF UNAMIR. NONE OBJECTED TO OUR SUGGESTION TO SPELL OUT THE DATES FOR THE ELECTIONS AND NEW GOVERNMENT. HOWEVER, THE UK POINTED OUT THAT IF THE COUNCIL FOLLOWED THE U.S. SUGGESTION OF MENTIONING THE INITIAL MANDATE PERIOD OF 6 MONTHS, THE IMPLICATION WOULD BE THAT UNAMIR WOULD THEN BE OPEN-ENDED UNTIL ELECTIONS. WE AGREED WITH THE UK THAT OUR INTENTION WAS TO SUBJECT THIS MISSION TO PERIODIC REVIEW AT EACH STAGE, WITH THE COUNCIL NEEDING TO MAKE A DECISION TO RENEW THE MANDATE AT EACH NEW STAGE.

20. OPERATIVE PARA 7 NOW READS: "AUTHORIZES THE SYG, IN THIS CONTEXT, TO DEPLOY THE FIRST CONTINGENT, AS DESCRIBED IN THE SYG'S REPORT, TO KIGALI FOR AN INITIAL

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PERIOD OF SIX MONTHS, IN THE SHORTEST POSSIBLE TIME,
 WHICH, WHEN FULLY IN PLACE, WILL PERMIT THE
 ESTABLISHMENT OF THE TRANSITIONAL INSTITUTIONS AND
 IMPLEMENTATION OF THE OTHER RELEVANT PROVISIONS OF THE
 ARUSHA PEACE AGREEMENT;"

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21. FRANCE AGREED TO OUR PROPOSAL TO SUBSTITUTE THE WORD "CONTINGENT" FOR "BATTALION" ONLY IF WE SPECIFIED ELIPTICALLY WHAT THAT "CONTINGENT" WOULD BE.

22. OPERATIVE PARA 12 NOW READS: "REQUESTS THE SYG TO CONCLUDE AN AGREEMENT ON THE STATUS OF THE OPERATION AND ALL PERSONNEL ENGAGED IN THE OPERATION EXPEDITIOUSLY, TO COME INTO FORCE AS NEAR AS POSSIBLE TO THE OUTSET OF THE RESOLUTION, AND NO LATER THAN 45 DAYS AFTER THE ADOPTION OF THIS RESOLUTION;"

23. FRANCE OBJECTED STRENUOUSLY TO THE U.S. SUGGESTION THAT THE DEPLOYMENT OF "ANY TROOPS" HAD TO WAIT UNTIL CONCLUSION OF A STATUS OF MISSION AGREEMENT. THEY COULD NOT ACCEPT SUCH A DELAY. ON THE OTHER HAND, REQUIRING A SOMA BEFORE "FULL DEPLOYMENT" GAVE THE UN TOO MUCH

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LATITUDE TO DEPLOY HUNDREDS OF TROOPS BEFORE REACHING AN AGREEMENT. THE UK AGREED AND POINTED OUT THAT ON SOME OCCASIONS THE UN WOULD WANT TO DEPLOY RAPIDLY, CITING GEORGIA AS SUCH A CASE. CALLING FOR A SOMA PRIOR TO ANY DEPLOYMENT WOULD SET A PRECEDENT FOR FUTURE OPERATIONS WHICH WOULD TIE THE UN'S HANDS. UK SUGGESTED DRAWING FROM LANGUAGE ADOPTED LAST WEEK IN THE RESOLUTION ON THE SAFETY OF UN PERSONNEL, AND SHORTENING THE DEADLINE FOR CONCLUSION OF AN AGREEMENT.

24. THE DRAFT RESOLUTION, WITH THE AMENDMENTS SPELLED OUT ABOVE, WILL BE CIRCULATED TUESDAY, WITH A VIEW TOWARDS ADOPTION TUESDAY AFTERNOON, OCTOBER 5. USUN REQUESTS GUIDANCE ON WHETHER OR NOT TO VOTE FOR THIS RESOLUTION BY NOON TUESDAY. ALSO, USUN REQUESTS A CLEARED EXPLANATION OF VOTE (EOV) BY NOON TUESDAY, IF DEPARTMENT WISHES AMBASSADOR ALBRIGHT TO MAKE ONE. MISSION WOULD LIKE TO POINT OUT THAT UPON ESTABLISHING A NEW PKO, IT IS THE USUAL PRACTICE TO MAKE A SHORT STATEMENT OUTLINING OUR UNDERSTANDING OF THE MISSION'S OBJECTIVES, AS WELL AS THE NEED TO KEEP COSTS DOWN.

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